IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

Crl.Rev.Pet.No. 3182 of 2003()

CRA.41/2000 of ADDL. SESSIONS COURT FAST TRACK (ADHOC-I), KOZHIKODE
CC.53/1994 of JUDL.MAGISTRATE OF FIRST CLASS-I, PERAMBRA

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REVN. PETITIONER: APPEALLANT/ACCUSED.

BABU, S/O.KANARAN, NOTTYKANDY (H),
MENHANNLAM AMSOM DESOM, KOYILANDY TALUK.

BY ADV. SRI.P.S.SREEDHARAN PILLAI
SRI.K.B.SAJEESH
SRI.P.GOPINATH
SRI.C.S.SUNIL
SRI.P.R.SREEJITH

RESPONDENTS: RESPONDENT/COMPLAINT

STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 06/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.P.No.3182 of 2003

Dated this the 6th day of November, 2007

O R D E R

The revision petitioner is the accused in C.C.No.53/94 who stands convicted for the offences under Sections 279 and 337 IPC and sentenced to undergo simple imprisonment for three months and to pay a fine of Rs.500/- and in default, to undergo simple imprisonment for one month with respect to the offence under Section 279 IPC and to undergo simple imprisonment for three months and to pay a fine of Rs.500/- and in default, to undergo simple imprisonment for one month with respect to the offence under Section 337 IPC.

2. The counsel for the revision petitioner has only pleaded for modification of the sentence. I find that PW1 has sustained injuries in the incident and that the case was originally charge sheeted for the offence under Section 338 IPC. It is the version of PW1 that he sustained fracture of the leg. But the relevant treatment records were not produced. Ext. P3 wound certificate of PW1 would only show that he was referred to the

Medical College Hospital.

3. In the circumstances, the sentence imposed for the offence under Section 337 IPC is modified to imprisonment till the rising of the court and to pay a compensation of Rs.7,500/- to PW1 and in default, to undergo simple imprisonment for six months. No separate sentence is awarded for the offence under Section 279 IPC. The revision petitioner is granted two months' time to remit the amount of compensation. He shall appear before the court below on 7.1.2008 to receive sentence.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl